UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF RHODE ISLAND

SHELALARA VINEYARD AND WINERY, et al., Plaintiffs,	)	
v.	)	C.A. No. 15-001-M-LDA
THE PURPLE CAT VINEYARD AND WINERY, et al., Defendants.	)	

ORDER

Pursuant to this Court's Order (ECF No. 57), the Plaintiffs filed a Proposed Set of Established Facts that arise from the non-disclosures by Defendants in Plaintiffs' Second Request for Production #s 7, 13, and 14, that were to serve as a sanction for discovery abuse. ECF No. 58.

It is hereby ORDERED that the following facts are deemed established for purposes of this litigation, and Defendants are precluded from offering any contradictory evidence:

1. Defendants The Purple Cat, Daniel Ribeiro, and Andrew Gold have, in their operation of the Purple Cat, used and continue to use to their benefit ShelaLara's distribution network, the identity of ShelaLara's customers, and ShelaLara's documentation of customers' particular likes and dislikes.

2. Defendants The Purple Cat, Daniel Ribeiro, and Andrew Gold took the following property when they left the employ of ShelaLara that they have used and continue to use for the benefit of The Purple Cat:
   a. recipes and formulae relating to products developed by or sold by ShelaLara or derived from information developed or learned at ShelaLara, including fruit essence wine, frozen wine and/or wine slushies;
   b. notes and other writings relating to testing and production of the ShelaLara wine products; and
   c. notes and writings which set forth step-by-step procedures for winemaking and winemaking testing, including for the frozen and/or "slushie" wine.
3. The earnings by Defendant Purple Cat from wine sales are from wine products made with the wine-making processes developed at ShelaLara.

IT IS SO ORDERED.

John J. McConnell, Jr.
United States District Judge

March 1, 2017